

### **REMARKS**

Reconsideration of the above referenced application in view of the enclosed amendments and remarks is requested. Claims 36, 40, and 44 have been cancelled. Claims 9, 19, and 26 have been amended. Claims 9, 19, 23-24, 26-29, 31, 33-35, 37-39, and 41-43 remain in the application.

### **ARGUMENT**

Claims 9, 19, 23, 24, 26, 27, and 31 are rejected under 35 USC 103(c) as being anticipated by Friedman (US 5,499,294) in view of Parulski et al. (US 6,567,119)

Claims 9, 19, and 26 have been amended to more particularly recite the present invention in light of the cited references. In particular, limitations have been added reciting the use of fingerprint data as part of the metadata. The Office action dated May 19, 2005 cites the Gennetten et al. reference as teaching this limitation. However, submitted herewith is a 1.131 affidavit swearing behind the Gennetten et al. reference. Hence, Gennetten et al. is not prior art for the present application. Therefore, taking each independent claim as a whole as currently submitted, the combination of valid prior art does not teach or suggest amended claims 9, 19, and 26.

As to dependent claims 23, 24, 27, 28, 29, 31, 33-35, 37-39, and 41-43, they depend from allowable independent claims. Thus, they are also allowable.

Claim 28 is rejected under 35 USC 103(c) as being unpatentable over Friedman in view of US Publication No. 2002/0001395 A1 to Davis, et al. (hereinafter Davis).

Claim 28 depends from allowable independent claim 26. Therefore, claim 28 is also allowable.

Claim 29 is rejected under 35 USC 103(c) as being unpatentable over Friedman in view of Steinberg (6,587,949).

Claim 29 depends from allowable independent claim 26. Therefore, claim 29 is also allowable.

Claims 33, 34, 35, 37, 38, 39, 41, 42, and 43 are rejected under 35 USC 103(c) as being unpatentable over Friedman in view of Parulski, and further in view of Tsukamoto (US 6,359,837).

These claims all depend from allowable independent claims. Therefore, they are also allowable.

Claims 36, 40, and 44 are rejected under 35 USC 103(c) as being unpatentable over Friedman in view of Parulski, and further in view of US Publication No. 2003/0081950 to Gennetten et al.

The Gennetten et al. reference is overcome by the enclosed affidavit. Claims 36, 40, and 44 have been incorporated into independent claims 9, 19, and 26, respectively. Therefore, this rejection is now moot.

### **CONCLUSION**

In view of the foregoing, Claims 9, 19, 23-24, 26-29, 31, 33-35, 37-39, and 41-43 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-8074. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

/Steven P. Skabrat/  
Registration No. 36,279  
Senior Attorney  
Intel Corporation  
(503) 264-8074

10/038,365

c/o Blakely, Sokoloff, Taylor &  
Zafman, LLP  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail with sufficient  
postage in an envelope addressed to Commissioner for Patents,  
P.O. Box 1400, Alexandria, VA 22313 on:

8 JUNE 2005  
Date of Deposit

Deborah L. Hyman  
Name of Person Mailing Correspondence

[Signature] 6-8-05  
Signature Date